

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TRUSTEES OF THE BRICKLAYERS &
ALLIED CRAFTWORKERS LOCAL 13
DEFINED CONTRIBUTION PENSION
TRUST FOR SOUTHERN NEVADA, et al.,

Plaintiffs,

v.

KIRKWOOD STONE TILE & CARPET, INC.,
et al.,

Defendants.

Case No. 2:13-cv-00661-APG-PAL

ORDER

The court held a show cause hearing on July 1, 2014. Nathan Ring was present on behalf of Plaintiffs. Defendants Robert Kirkwood and Kirkwood Stone Tile & Carpet, Inc., did not appear or have counsel appear on their behalf.

On October 17, 2013, the district judge entered an Order (Dkt. #10) granting Plaintiffs' Motion for a Default Judgment (Dkt. #9) against Defendants Kirkwood Stone Tile & Carpet, Inc., and Robert J. Kirkwood ("Defendants") (Dkt. #11) in favor of Plaintiffs. In an Order (Dkt. #13) entered November 5, 2013, the court granted Plaintiff's Motion for a Judgment Debtor Examination (Dkt. #12), directing Mr. Kirkwood to appear individually and on behalf of Defendant Kirkwood Stone Tile & Carpet, Inc., on January 7, 2014, for a judgment debtor examination. *See* Order (Dkt. #13). The Order also directed Defendants to produce certain documents to Plaintiffs' counsel no later than December 28, 2013. *Id.* The court required Plaintiffs to personally serve the order on Defendants and to file proof of service. *Id.* Plaintiffs complied and personally served the Order on Mr. Kirkwood at his home on November 9, 2013. *See* Certificate of Service (Dkt. #14).

1 On January 7, 2014, the court held a hearing on the judgment debtor examination. *See*
2 Minutes of Proceedings (Dkt. #19). Neither Mr. Kirkwood, nor a representative for Kirkwood
3 Stone Tile & Carpet, Inc., appeared. *Id.* On June 9, 2014, the court entered an Order and Order
4 to Show Cause (Dkt. #20) granting Plaintiffs' Motion for Order to Show Cause (Dkt. #18) and
5 scheduling a show cause hearing. The order to show cause warned the defendants that failure to
6 comply with the order would result in the issuance of a bench warrant. The Order directed
7 counsel for Plaintiffs to personally serve Defendants with a copy of the Order and to file proof of
8 service. Plaintiffs complied and served Robert Kirkwood at his home on June 11, 2014. *See*
9 Affidavit of Service (Dkt. #21).

10 Despite the fact that Defendants received personal service of the court's Order and Order
11 to Show Cause, they did not appear at the scheduled show cause hearing on July 1, 2014. The
12 court issued a Bench Warrant (Dkt. #23) for Mr. Kirkwood's arrest for his failure to comply with
13 multiple court Orders and the court's Order to Show Cause. The court directed Plaintiffs to
14 submit a memorandum of attorney's fees and costs, supported by an affidavit of counsel, no later
15 than July 15, 2014.

16 Upon Mr. Kirkwood's arrest, he shall be brought before the United States Magistrate
17 Judge on duty, whose chambers may contact the undersigned's chambers for a date for contempt
18 proceedings.

19 **IT IS ORDERED a bench warrant for the arrest of Robert Kirkwood shall issue**
20 **and shall be served by the United States Marshal's Service.**

21 Dated this 1st day of July, 2014.

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23 PEGGY A. LEEN
24 UNITED STATES MAGISTRATE JUDGE
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